

L. Riegle

Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
November 05, 2013

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

WILLIAM WALTER PLISE,
AKA BILL PLISE

Debtor.

SHELLEY D. KROHN, CHAPTER 7
TRUSTEE,

Plaintiff,

v.

WILLIAM WALTER PLISE, an individual;
DOE individuals 1-10; and ROE corporations
1-10,

Defendants.

Case No. BK-S-12-14725-LBR
Chapter 7

Adv. No. BK-S-12-1214-LBR

**ORDER GRANTING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Date of Hearing: October 22, 2013
Time of Hearing: 9:30 a.m.
Place: Courtroom No. 1, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Hon. Linda B. Riegle

This matter came before the Court on Plaintiff's Motion for Partial Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56 filed on July 19, 2013 [Docket No. 202] (the "Motion").

1 The Motion was heard and considered on October 22, 2013, at 9:30 a.m. Victoria L.
2 Nelson, Esq. and Jacob L. Houmand, Esq. of the law firm of Nelson & Houmand, P.C. appeared
3 on behalf of Shelley D. Krohn, Chapter 7 Trustee (the "Trustee"), and Lenard E. Schwartz,
4 Esq., of the law firm of Schwartz & McPherson Law Firm appeared on behalf of William
5 Walter Plise (the "Debtor").

6 The Court read and considered the Motion and evidence submitted in support thereof,
7 including the *Statement of Undisputed Facts in Support of Plaintiff's Motion for Partial*
8 *Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 and Federal Rule*
9 *of Civil Procedure 56* [Docket No. 203], the *Declaration of Shelley D. Krohn in Support of*
10 *Plaintiff's Motion for Partial Summary Judgment Pursuant to Federal Rule of Bankruptcy*
11 *Procedure 7056 and Federal Rule of Civil Procedure 56* [Docket No. 204], the *Notice of No*
12 *Opposition to Plaintiff's Motion for Partial Summary Judgment Pursuant to Federal Rule of*
13 *Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56* [Docket No. 211], the
14 *Response to Notice of Non-Opposition Re: Motion for Partial Summary Judgment* [Docket No.
15 212], the *Declaration of Sheena M. Clow Supporting Response to Notice of Non-Opposition Re:*
16 *Motion for Partial Summary Judgment* [Docket No. 213], the *Reply to Defendant's Response to*
17 *Notice of No Opposition to Plaintiff's Motion for Partial Summary Judgment* [Docket No. 215],
18 the *Opposition to Motion for Partial Summary Judgment* [Docket No. 217], the *Declaration of*
19 *William Walter Plise in Support of Opposition to Motion for Partial Summary Judgment* [Docket
20 No. 218], the *Statement of Disputed Facts in Opposition to Motion for Partial Summary*
21 *Judgment* [Docket No. 219], the *Reply to Defendant's Opposition to Plaintiff's Motion for*
22 *Partial Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 and*
23 *Federal Rule of Civil Procedure 56* [Docket No. 221], the *Supplemental Declaration of Shelley*
24 *D. Krohn in Support of Reply to Opposition to Motion for Partial Summary Judgment Pursuant*
25 *to Federal Rule of Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56* [Docket
26 No.222], and the Court entertained argument of counsel. The Court took judicial notice of the
27 pleadings, papers and records in the Court's files regarding the above-captioned case.

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1 The Court concludes that (a) the Court has jurisdiction over the Motion pursuant to 28
2 U.S.C. §§ 157 and 1334; and (b) the Motion is a core proceeding pursuant to 28 U.S.C.
3 § 157(b)(2)(J).

4 The Court stated its findings of fact and conclusions of law on the record at the hearing,
5 which are incorporated herein by reference in accordance with Rule 52 of the Federal Rules of
6 Civil Procedure, made applicable pursuant to Rule 9014 of the Federal Rules of Bankruptcy
7 Procedure and good cause appearing,

8 **IT IS HEREBY ORDERED, ADJUDGED and DECREED** as follows:

9 1. Trustee's request to strike Debtor's *Opposition to Motion for Partial Summary*
10 *Judgment* [Docket No. 217] as untimely is hereby **DENIED**.

11 2. Trustee's Motion for Partial Summary Judgment Pursuant to Federal Rule of
12 Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56 filed on July 19, 2013
13 [Docket No. 202] based on the Debtor's false oaths and accounts in failing to schedule his
14 ownership interest in 1406643 Alberta Ltd. is hereby **DENIED**.

15 3. Trustee's Motion for Partial Summary Judgment Pursuant to Federal Rule of
16 Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56 filed on July 19, 2013
17 [Docket No. 202] based on the Debtor's false oaths and accounts in failing to schedule his
18 ownership interest in 5550 Las Vegas, LLC is hereby **GRANTED**.

19 4. Debtor's discharge should be and is hereby denied pursuant to 11 U.S.C.
20 § 727(a)(4)(A).

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1 5. A judgment based on this ruling will be entered on a separate document as
2 required by Federal Rule Bankruptcy Procedure 9021 and Federal Rule Civil Procedure 58.

3 **IT IS SO ORDERED.**

4
5 Prepared and Submitted by:

6 **NELSON & HOUMAND, P.C.**

7
8 /s/ Victoria L. Nelson

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10 Jacob L. Houmand, Esq. (SBN 12781)

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15 Attorneys for Shelley D. Krohn, Chapter 7 Trustee

RULE 9021 CERTIFICATE

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The Court has waived the requirements set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.

Party

Lenard E. Schwartzer, Esq.
2850 South Jones Boulevard
Las Vegas, Nevada 89146
Attorney for the Debtor

Response

Emailed proposed order on October 28, 2013
Failed to Respond

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

NELSON & HOUMAND, P.C.

/s/ Victoria L. Nelson

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